



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 120-10 – Department of Professional and Occupational Regulation Public Participation Guidelines

Department of Professional and Occupational Regulation

October 14, 2003

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The Department of Professional and Occupational Regulation (department) proposes to modify its public participation guidelines to: 1) permit requests to be placed on the department's public participation notification list be sent via electronic means, and 2) allow regulatory notifications to be sent to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the department proposes to add language specifying that when electronic notifications are returned as undeliverable over more than one day, the person or organization concerned will be deleted from the list.

Estimated Economic Impact

Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically

includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in the particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the department. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the department. In addition to the potential fiscal benefits, these changes also allow the department to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, “When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list.” For various reasons email is sometimes returned as undeliverable even when accounts are still active. In order to prevent interested parties from being removed from the public participation mailing list due to server or other electronic problems, the proposed regulations add the sentence “When electronic notifications are returned as undeliverable over more than one day, the person or organization may be deleted from the list.” By indicating that parties may be deleted from the list only when electronic notifications are returned as undeliverable *over more than one day*, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and Entities Affected

The proposed changes will affect persons or entities interested in the department’s regulations. The department estimates that there about 200 individuals and organizations that wish to be on the notification list.

Localities Particularly Affected

All Virginia localities may have individuals and organizations that have interest in regulatory changes pertaining to the department.

Projected Impact on Employment

The proposed changes are not projected to affect employment.

Effects on the Use and Value of Private Property

The proposed changes are unlikely to significantly affect the value of private property. There will be a modest increase in the use of computers due to the availability of the electronic notification list.